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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

KINGVISION PAY-PER-VIEW, LTD.,

Plaintiff,

No. C 04-04074 WHA

v.

JAMES A. DAILEY, individually and d/b/a
GOLDEN BEAR SPORT BAR,

Defendant.

**ORDER RE EVIDENTIARY
HEARING**

Without reaching the issue of inexcusable delay, a further evidentiary hearing will be held at 2 p.m., November 11, 2005, on the condition that defendant compensate plaintiff's counsel for time and expenses in connection with the September 8 hearing in the amount of \$800, proof of payment of which must be filed by noon, September 12.

After any such hearing, the Court will decide whether to allow the default to be set aside and on what conditions, including further payment of time and expenses incurred by plaintiff's counsel.

Defendant is granted leave to file the declaration and brief he offered at the September 8 hearing. The Court defers a ruling on defendant's motion to set aside his default.

IT IS SO ORDERED.

Dated: September 9, 2005

Wm. Alsup
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California

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